

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RES EXHIBIT SERVICES, LLC,

Case No. 2:21-cv-01953-APG-EJY

Plaintiff,

V.

LNW GAMING, INC. f/k/a SG GAMING,
INC. f/k/a BALLY GAMING, INC.,

Defendant.

ORDER

Pending before the Court is Defendant LNW Gaming, Inc.’s Motion to Redact its Opposition to the Motion to Stay Pending Criminal Investigation and Seal Exhibits C-M Thereto. ECF No. 94. On December 6, 2021, the Court entered an order requiring, *inter alia*, the resubmission of redacted versions of Plaintiff and Counterdefendants’ Motions at ECF Nos. 85 and 87 (the redacted Motions to Stay the Case and to Seal the Motion to Stay the Case respectively). ECF No. 91. The instruction stated that redactions should be made solely to discussions of the scope, substance, subject matter or direction of the criminal investigation. *Id.* This was not an invitation to redact more information, but less. To the extent the Court’s Order was not clear, the Court makes that instruction clear in this Order. Specifically, and by way of example, not one of the redactions on pages 2, 3, 4, 5, 6 or 7 of ECF No. 93 is proper. None of the discussions in those redacted representations discuss the scope, substantive subject matter or direction of a criminal investigation. The discussions pertain to discovery in a civil dispute. The Court reiterates that “a litigant who might be embarrassed, incriminated, or exposed to litigation through dissemination of materials is not, without more, entitled to the court’s protection” through a sealing order. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003) (internal citation omitted).

With respect to Exhibits H-I and M—grand jury subpoenas—these are and shall remain sealed. The remainder of the redacted information must be reexamined and refiled by LNW.

Accordingly, IT IS HEREBY ORDERED that LNW Gaming Inc.'s Motions to Redact its Opposition to the Motion to Stay Pending Criminal Investigation and Seal Exhibits C-M Thereto (ECF No. 94) is GRANTED in part and DENIED in part.

IT IS FURTHER ORDERED that the Response at ECF No. 95 will remain sealed.

IT IS FURTHER ORDERED that Exhibits H, I, and M to ECF No. 95 are and will remain sealed.

IT IS FURTHER ORDERED that LNW Gaming **must refile** the **redacted versions** of its Opposition to the Motion to Stay Pending Criminal Investigation (ECF No. 93), together with Exhibits other than those identified as properly sealed above, removing all redactions that do not expressly discuss the scope of a criminal investigation or the substance and direction of a criminal investigation. Civil proceedings that do not discuss these subject matters are **not** properly sealed.

IT IS FURTHER ORDERED that nothing in this Order changes the due dates for responses or replies to pending substantive motions.

DATED this 12th day of December, 2023.

Elayna J. Youchah
ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE